

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1088

T04-0042

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "Commission", the Norfolk Southern Railway Company, hereinafter referred to as "Company", McLean County, hereinafter referred to as "County", "Dry Grove Township", hereinafter referred to as "Township, and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence, that inquiry should be made into the matter of improving public safety at the 1700N/CH 18 and the 1100E/TR 154 highway-rail grade crossings of the Norfolk Southern Railway Company's track in Dry Grove Township, both located in McLean County, Illinois, designated as crossings AAR/DOT 475 075L, milepost 380.70-NL, and AAR/DOT 475 074E, milepost 380.60-NL respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 and A-2, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund ("Fund") of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be as follows:

(1) 1700N/CH 18

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

(2) 1100E/TR 154

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The reconstruction of the highway approaches, in order to comply with requirements of 92 Illinois Administrative Code, Part 1535.204.

Section 3 The Company has prepared preliminary "round figure" estimates of cost to accomplish the proposed warning device improvements, which it may be required to perform. Said estimates are attached as Exhibits B-1 and B-2. The Company shall, upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 Dry Grove Township has prepared a preliminary estimate of cost to accomplish the proposed improvements, which they each may be required to perform. The Township shall, upon Order, according to the requirements contained therein, prepare plan and profile drawings, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 5 The Company, County, and Township shall upon Order, according to the requirements contained therein, each proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

**Section 6** The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

**1700N/CH 18**  
(AAR/DOT #475 075L)

IMPROVEMENT	EST. COST	GCPF	MCLEAN COUNTY	DRY GROVE TWP.	NS RAILWAY COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$166,600	\$141,610 <sup>1</sup> (85%)	\$16,660 (10%)	\$0	Remainder <sup>2</sup>

**1100E/TR 154**  
(AAR/DOT #475 074E)

IMPROVEMENT	EST. COST	GCPF	MCLEAN COUNTY	DRY GROVE TWP.	NS RAILWAY COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$156,100	\$148,295 <sup>1</sup> (95%)	\$0	\$0	Remainder <sup>2</sup>
Reconstruct Existing Approaches	\$35,000	\$17,500 <sup>3</sup> (50%)	\$0	Remainder <sup>3</sup>	\$0

**Notes:**

<sup>1</sup> Assistance from the Grade Crossing Protection Fund (GCPF) not to exceed \$289,905 for new automatic warning devices.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>3</sup> The cost to reconstruct the highway approaches, as set forth in Section 2, is estimated at \$35,000. The Fund should pay 50% of the reconstruction costs, not to exceed \$17,500, with the Township paying all remaining reconstruction costs as well as all future maintenance of the highway approaches.

**Section 7** The County and the Township are financially able and willing to bear equitable portions of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D-1 (County) and Exhibit D-2 (Township).

**Section 8** Since the crossing approach reconstruction improvements at the 1100E/TR154 crossing will be performed by the Township, or its respective contractor crews, flagging and contractor liability insurance will be required for said work.

The Company, County, and the Township shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type

of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company, County, and the Township employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

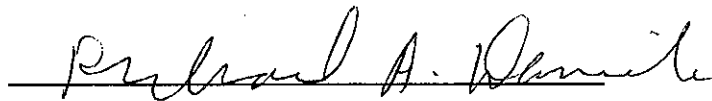
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 4<sup>th</sup> day of **March**, 2004.

A handwritten signature in dark ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead  
Rail Safety Program Administrator

Attest:

A handwritten signature in dark ink, appearing to read "Richard A. Daniels", written over a horizontal line.

Richard A. Daniels  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1088 concerning improvements at the crossings of the Company's track with public highways known as 1700N/CH18 and 1100E/TR154, in Dry Grove Township, both located in McLean County, Illinois, designated as crossings AAR/DOT 475 075L, milepost 380.70-NL, and AAR/DOT 475 074E, milepost 380.60-NL, respectively.

Executed by the Company this 22nd day of March 2004.

NORFOLK SOUTHERN RAILWAY  
COMPANY

By: HR Comstock  
General Manager

Attest:

[Signature]  
Assistant Secretary

Illinois Commerce Commission Stipulated Agreement No. **1088** concerning improvements at the crossings of the Company's track with public highways known as 1700N/CH18 and 1100E/TR154, in Dry Grove Township, both located in McLean County, Illinois, designated as crossings AAR/DOT 475 075L, milepost 380.70-NL, and AAR/DOT 475 074E, milepost 380.60-NL, respectively.

Executed by the Department this 12<sup>th</sup> day of April 2004.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

Victor A. Modere *efD*  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. **1088** concerning improvements at the crossings of the Company's track with public highways known as 1700N/CH18 and 1100E/TR154, in Dry Grove Township, both located in McLean County, Illinois, designated as crossings AAR/DOT 475 075L, milepost 380.70-NL, and AAR/DOT 475 074E, milepost 380.60-NL, respectively.

Executed by the Dry Grove this 17 day of April 2004.  
(Township)

DRY GROVE TOWNSHIP

By: *Annice Hobbs Road Comm.*

RECEIVED  
APR 28 2004

Illinois Commerce Commission  
RAIL SAFETY DIVISION

Attest:

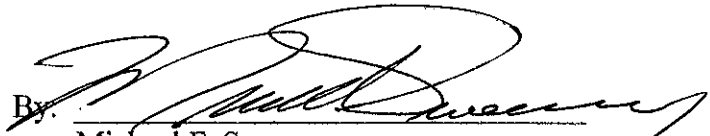
*JC Miller* 4/17/04



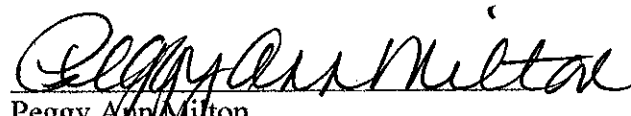
Illinois Commerce Commission Stipulated Agreement No. 1088 concerning improvements at the crossings of the Company's track with public highways known as 1700N/CH18 and 1100E/TR154, in Dry Grove Township, both located in McLean County, Illinois, designated as crossings AAR/DOT 475 075L, milepost 380.70-NL, and AAR/DOT 475 074E, milepost 380.60-NL, respectively.

Executed by McLean County this 20<sup>th</sup> day of April 2004.  
(County)

MCLEAN COUNTY

By:   
Michael F. Sweeney  
Chairman, McLean County Board

Attest:

  
Peggy Ann Milton  
McLean County Clerk

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	475 075L, MP 380.70-NL
<b>STREET, CITY, COUNTY</b>	1700N/CH 18, Near Bloomington, McLean County
<b>JURISDICTION (RDWY)</b>	County
<b>LOCATION</b>	Rural, Commercial
<b>STREET SURFACE</b>	Hot mix, 26', good condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
NW to SE (Triple track)	Timber and Asphalt	47'	Good condition

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	1100E is 360' east, and White Oak Rd. is 440' east
<b>TRAFFIC CONTROL</b>	Stop sign for 1100E
<b>ADT &amp; SPEED</b>	3450 @ 55mph
<b>TRAFFIC TYPE</b>	Passenger, School Busses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	Yes

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	6 Per day @ 49 MPH, 1 Switch Movement, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	AFLS

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	49	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	540	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1200	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	OK	N/A	*	N/A
<b>NW</b>	OK	N/A	*	N/A
<b>SE</b>	OK	N/A	*	N/A
<b>SW</b>	OK	N/A	*	N/A

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: WEST</b>			<b>DIRECTION: EAST</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	**	0.4	25	**	1.2
50	**	1.2	50	**	1.2

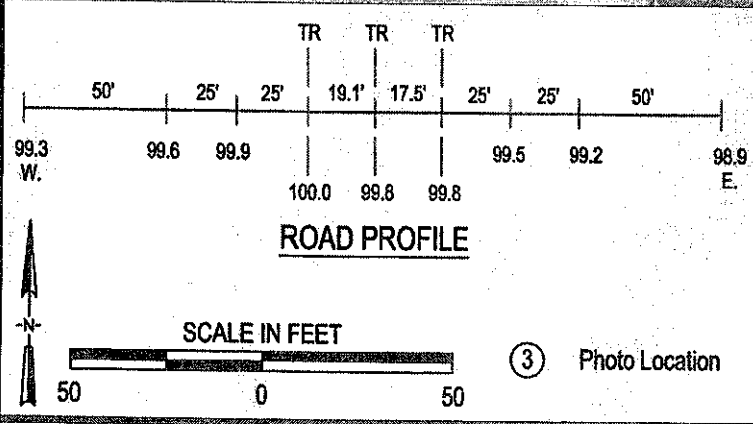
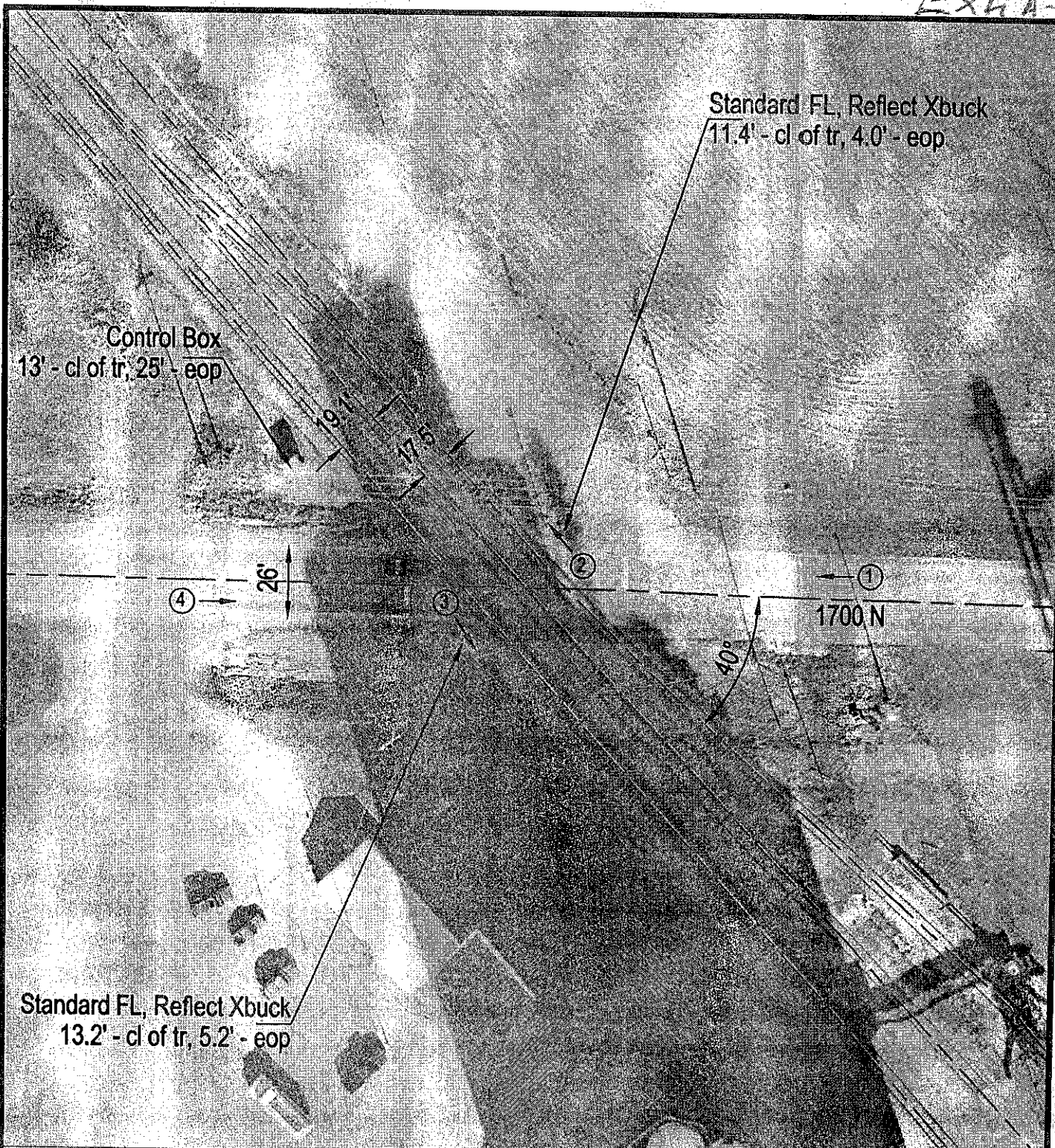
Distance measured from outermost rail. \*\* See page 3

**COMMENTS:**

The railroad's "round figure" estimate for the new automatic flashing light signals and gates with CWT circuitry is \$166,600. Staff recommends the Grade Crossing Protection Fund pay 85% of the installation costs, not to exceed \$141,610, the county pay 10%, not to exceed \$16,660, and the railroad pay all remaining installation costs, as well as all operating and maintenance costs.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.

EXHA-1, PE



Crossing #: 475075L

Location: Mclean Co., City of Bloomington (N)

Lat/Long: 40°31'55" / 89°03'42"

Railroad: NS

Street: 1700 N

Railroad Milepost: 380.70

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Norfolk Southern Railway Company
<b>USDOT#, MILEPOST</b>	475 074E, MP 380.60-NL
<b>STREET, CITY, COUNTY</b>	1100E/TR 154, Near Bloomington, McLean County
<b>JURISDICTION (RDWY)</b>	township
<b>LOCATION</b>	Rural, Commercial
<b>STREET SURFACE</b>	Bituminous, 20', good condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
NW to SE	Timber and Asphalt	38'	fair condition

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	1700N is 437' north.
<b>TRAFFIC CONTROL</b>	Stop sign
<b>ADT &amp; SPEED</b>	300 @ 55mph
<b>TRAFFIC TYPE</b>	Passenger, School Busses, Hazardous Materials, Other
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	6 Per day @ 49 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	AFLS

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	49	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	520	<b>FEET</b>
<b>Along Tracks</b>	540	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD)</b> <b>(Along Tracks)</b>	1200	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	OK	N/A	*	N/A
<b>NW</b>	OK	N/A	*	N/A
<b>SE</b>	OK	N/A	*	N/A
<b>SW</b>	OK	N/A	*	N/A

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: South</b>			<b>DIRECTION: North</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	99.0	4.0	25	99.8	0.8
50	98.9	0.4	50	99.7	0.4

Distance measured from outermost rail.

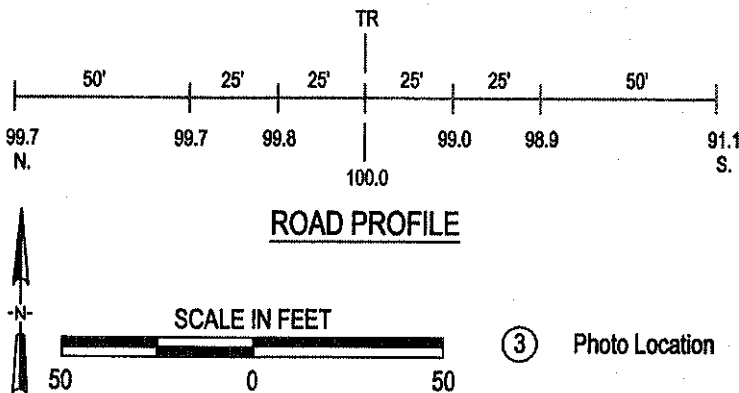
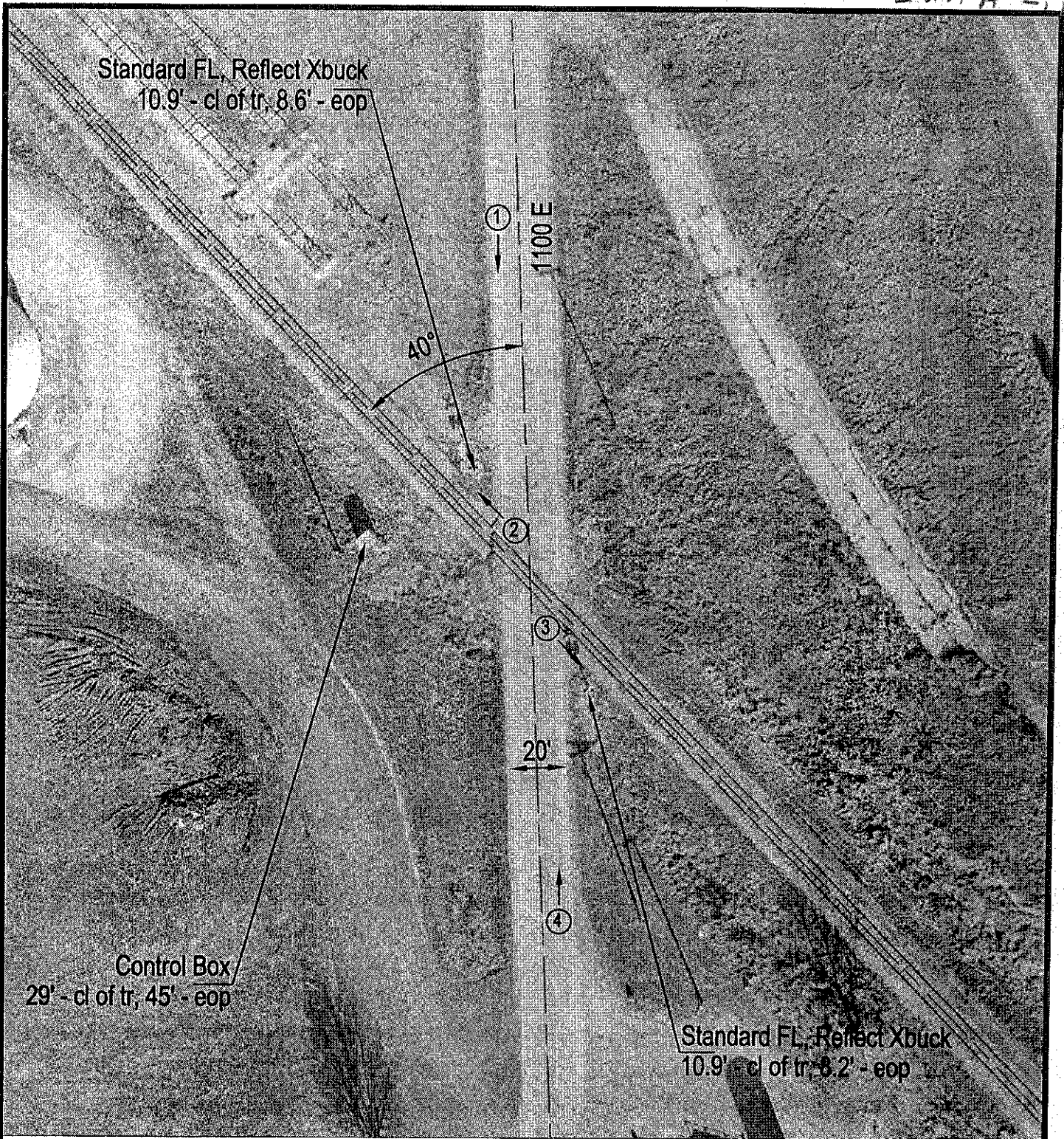
**COMMENTS:**

The railroad's "round figure" estimate for the new automatic flashing light signals and gates with CWT circuitry is \$156,100. Staff recommends the Grade Crossing Protection Fund pay 95% of the installation costs, not to exceed \$148,295, and the railroad pay all remaining installation costs, as well as all operating and maintenance costs.

The Township's "ballpark" estimate for highway approach grade improvements is \$35,000. Because of the Township's financial hardship, staff recommends the GCPF pay 50% of the approach reconstruction costs, not to exceed \$17,500, and the GCPF pay the remainder.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.





Crossing #: 475074E  
 Location: Mclean Co., City of Bloomington (N)  
 Lat/Long: 40°31'51" / 89°03'38"  
 Railroad: NS  
 Street: 1100 E  
 Railroad Milepost: 380.60  
 Crossing Protection: Train Activated Devices

13-Jan-04

**Round Figure Estimate for Grade Crossing Warning Devices**

City/Stat BLOOMINGTON, IL  
 MilePost: SP-380.7  
 State Proj.  
 S&E Proj. 04.0516  
 Man Days: 112

Road: CH-18  
 DOT/AAR: 475075L  
 County: MCLEAN  
 AFE:  
 File 061-04.506

**\*\*\*Purchases - Other\*\*\***

Meals and	\$9,280.00	
Rental of	\$20,280.00	
(2 Trucks, 1 Backhoe w/ Trailer		
and 1 Pipe-Pusher for 28 Days)		
Construction Supervision	\$380.00	
Contingencies	\$520.00	
Purchases - Other		\$30,460.00

**\*\*\* Material and Additives\*\*\***

Material	\$67,130.00	
Sales and Use	\$3,360.00	
Material Handling &	\$6,380.00	
Material		\$76,870.00

**\*\*\*Labor and Additives\*\*\***

Labor	\$23,860.00	
(4 man crew at \$852.00 a day for: 28 days)		
Payroll Tax &&	\$20,660.00	
Preliminary	\$8,010.00	
Construction	\$6,740.00	
Labor		\$59,270.00
Subtotal		\$166,600.00
Credit:		\$0.00
(Salvage/Scrap		
<b>Project</b>		<b>\$166,600.00</b>

Estimated on: 13-Jan-04

Estimated by: rhray

**Estimate valid for 1 year from date of estimate**



13-Jan-04

**Round Figure Estimate for Grade Crossing Warning Devices**

City/Stat BLOOMINGTON, IL  
 MilePost: SP-380.6  
 State Proj.  
 S&E Proj. 04.0515  
 Man Days: 104

Road: TR-154  
 DOT/AAR: 475074E  
 County: MCLEAN  
 AFE:  
 File 061-04.505

**\*\*\*Purchases - Other\*\*\***

Meals and	\$8,610.00	
Rental of (2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 26 Days)	\$18,830.00	
Construction Supervision	\$350.00	
Contingencies	\$590.00	
Purchases - Other		\$28,380.00

**\*\*\* Material and Additives\*\*\***

Material	\$63,420.00	
Sales and Use	\$3,170.00	
Material Handling &	\$6,020.00	
Material		\$72,610.00

**\*\*\*Labor and Additives\*\*\***

Labor (4 man crew at \$852.00 a day for: 26 days)	\$22,150.00	
Payroll Tax &&	\$19,180.00	
Preliminary	\$7,530.00	
Construction	\$6,250.00	
Labor		\$55,110.00
Subtotal		\$156,100.00
Credit: (Salvage/Scrap)		\$0.00
<b>Project</b>		<b>\$156,100.00</b>

Estimated on: 13-Jan-04

Estimated by: rhray

**Estimate valid for 1 year from date of estimate**

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date April 20, 2004

Agreement # 1088

The McLean County Board meeting on April 20, 2004, Resolve to  
(Board or Council of McLean County) (Date)  
authorize John E. Mitchell, County Engineer to act as its designated agent in the  
(Name, Office)  
processing of this Stipulated agreement and that McLean County is financially willing  
(County)  
and able to bear the cost for the proposed improvements as may be assigned to it  
according to Section 6 of this Agreement.

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date 4/17/04

Agreement # 1088

The Dry Grove Township  
(Board or Council of Dry Grove Township)

meeting on 4/13/04, Resolved to authorize J.C. Miles  
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and  
that the Dry Grove is financially willing and able to  
(Township)

bear the cost for the proposed improvements as may be assigned to it according  
to Section 6 of this Agreement.